

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DAMONI ALVIN HEGLER,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LASHIEKA HUSSEY,

Respondent-Appellant.

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UNPUBLISHED  
February 24, 2009

No. 287936  
St. Clair Circuit Court  
Family Division  
LC No. 08-000272-NA

Before: Donofrio, P.J., and K. F. Kelly and Beckering, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (l). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(j) and (l) were both established by clear and convincing legally admissible evidence. MCR 3.977(E)(3); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Respondent admitted that she had a long-term history of drug abuse, that three other children had been the subject of child protection proceedings, and that her parental rights to those children were eventually terminated. Respondent used cocaine during her pregnancy with the present child, and a meconium drug screen was positive for cocaine at the time of the child's birth. Although she was in a substance abuse treatment program, respondent had a relapse within weeks after the child was born, had just 11 weeks of sobriety since then, and had not completed treatment. Because she had not demonstrated an ability to remain drug-free on her own for any extended period of time, it was likely that the child would be harmed if returned to respondent's care. Contrary to what respondent argues, petitioner was not required to prove that she would neglect her children for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That decision predates the enactment of § 19b(3), which now governs the criteria for termination. Because the trial court properly found that grounds for termination were established under §§ 19b(3)(j) and (l), it is unnecessary to determine whether termination was also warranted under §§ 19b(3)(g) and (i), inasmuch as any error in relying on those grounds was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Kirsten Frank Kelly  
/s/ Jane M. Beckering